

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 18, 1999

DIVISION ONE

Court convened at 9:00 A.M.

Present: Ortega, Acting P.J., Vogel (Miriam A.), J., Masterson, J., and S. Beaux, Deputy Clerk.

Each of the following:

B116669 People v. Padilla
B118884 People v. Miller
B118986 People v. Torres
B119025 People v. Bass
B120940 People v. Rodell
B120976 People v. Jenkins
B121227 People v. Jackson
B121986 DCFS v. Louis F.
B122678 People v. Davis
B123187 People v. Tweedy
B123547 People v. Smith & Johnson
B124246 People v. Herron
B124504 DCFS v. Virginia O.
B124591 People v. Publer
B124835 People v. Powers
B125086 DCFS v. Cynthia E.
B126301 DCFS v. Deborah G.
B129501 In re Baby Boy A.
B129677 Daniello O. v. SCLA (DCFS)
B130266 Carlos A. v. SCLA (DCFS)

Argument waived, cause submitted.

DIVISION ONE (Continued)

B125153 The People
 v.
 Cazelly

Merits:

Argued by Rachel Housman for appellant and by Ellen Birnbaum Kehr, deputy attorney general, for respondent. Counsel waives the presence of Justice Spencer. Cause submitted.

B121411 Drum & Davis
 v.
 OBD Technical Services, Inc., et al.
 (County of Los Angeles, r.p.i.)

Merits:

Argued by Joel Drum for appellant and by Frederick R. Bennett, deputy county counsel, for real party in interest. Counsel waives the presence of Justice Spencer. Cause submitted.

B115443 City of Bell Gardens
 v.
 City of Bell et al.

Merits:

Argued by James L. Moser for appellant and by Arthur J. Hazarabedian for respondents. Counsel waives the presence of Justice Spencer. Cause submitted.

B122758 Dept. of Children & Family Services
 v.
 Lauro R.

Appearances:

Sterling Honea, deputy county counsel for respondent and no appearance for appellant. Respondent waives the presence of Justice Spencer. Argument waived, cause submitted.

DIVISION ONE (Continued)

B122718 Miller
 v.
 World Savings & Loan Association

Merits:

Argued by Anne Margaret Miller appellant in pro per and no appearance for respondent. Appellant waives the presence of Justice Spencer. Cause submitted.

B128995 In re Liza Brown on Habeas Corpus

Merits:

Argued by Jackson E. Chandler for petitioner and by Jim Hart, deputy attorney general, for real party in interest. Counsel waives the presence of Justice Spencer. Cause submitted.

B118521 Silberman
 v.
 Cheng

Merits:

Argued by Charles C.Y. Cheng appellant in pro per and Karl de Costa for respondent waived argument. Cause submitted.

B119916 Keys
 v.
 Hughes Aircraft Company

Merits:

Argued by J. Stephen Lewis for appellant and by Tomas R. Lopez for respondent. Cause submitted.

Court adjourned.

DIVISION ONE (Continued)

B130166 Adams (Not for Publication)

v.

Superior Court, Los Angeles County
(Columbine Associates, r.p.i.)

THE COURT:

THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate its order imposing sanctions of \$2,875 against Larry Gene Adams and his counsel, Borton, Petrini & Conron, and to issue a new and different order denying the request to impose sanctions, in Los Angeles Superior Court case No. BC185797, entitled Larry Gene Adams v. Columbine Associates. All parties shall bear their own costs.

Spencer, P.J., Vogel (Miriam A.), J., Masterson, J.

B130092 Hirsch (Not for Publication)

v.

Superior Court, Los Angeles County
(Ruiz, r.p.i.)

THE COURT:

THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate its order of March 5, 1999, granting the motion to require petitioner to answer questions at her deposition, and to issue a new and different order denying same, in Los Angeles Superior Court case No. EC025108, entitled Rosalba Ruiz v. Linda Jean Hirsch et al. In all other respects, the petition is denied. The temporary stay order is hereby terminated. All parties shall bear their own costs.

Spencer, P.J., Vogel (Miriam A.), J., Masterson, J.

DIVISION TWO

B114899 People (Certified for Partial Publication)
v.
Tindall

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

B118460 People (Not for Publication)
v.
Weaver

The Court:

The judgment is affirmed.

Nott, Acting P.J., Zebrowski, J., Mallano, J. (Assigned)

B120581 Electro Lock, Inc. (Not for Publication)
v.
Motec Industries, Inc.

The matter is reversed and remanded in accordance with this opinion. Each party to bear its own costs on appeal.

Nott, J.

We concur: Boren, P.J.
Zebrowski, J.(Opinion)

DIVISION TWO (Continued)

B107887 Midland National Life
Insurance Company (Not for Publication)
v.
Hindin

The partial directed verdict as to the Herrera v. Reserve and the Martinez v. Reserve claims are reversed and costs are to be reassessed in light of the outcome in those matters. The judgment in Hindin's cross-complaint is reversed. In all other respects the judgment is affirmed. The case is remanded for proceedings consistent with this opinion. Parties to bear own costs on appeal.

Nott, Acting P.J.

We concur: Zebrowski, J.
Mallano, J. (Assigned)

DIVISION FIVE

B127523 Sandra T. (Not for Publication)
v.
Superior Court, Los Angeles County
(D.C.F.S., r.p.i.)

The petition for extraordinary writ is denied.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

B127229 People (Certified for Partial Publication)
v.
Josue S.

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

DIVISION FIVE (Continued)

B127411 Rosemarie P. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (D.C.F.S., r.p.i.)

The petition for extraordinary writ is denied.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

B127965 Vivorx, Inc.
 v.
 Mylan Laboratories, Inc.

Filed order denying petition for rehearing.

B123958 People
 v.
 Oscar Barron

Filed order denying petition for rehearing.

B116282 People
 v.
 Daniel Olvera

Filed order denying petition for rehearing. (Justice Grignon would grant.)

DIVISION SIX

B124679 People (Not for Publication)
v.
Bridges

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

B125443 Henry (Not for Publication)
v.
County of Ventura
(Cleaver, r.p.i.)

The judgment determining Janice's claim for excess proceeds is untimely is reversed. The matter is remanded to the trial court with instructions to enter a judgment consistent with this opinion that permits Janice to make a claim as the personal representative of the estate of Carl. The judgment as to Charlotte is affirmed. The parties shall each bear their own costs.

Burke, J. (Assigned)

We concur: Gilbert, Acting P.J.
 Yegan, J.

B113750 Granberry (Not For Publication)
v.
Islay Investments

Filed order modifying opinion and denying petition for rehearing.
There is no change in judgment.

DIVISION SEVEN

B111374 People (Not for Publication)
v.
Thomas

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

[illegible]

The order under review is affirmed.

Woods, J.

We concur: Lillie, P.J.
Johnson, J.

B118747 People (Not for Publication)
v.
Johnson

The judgment is affirmed. The court is to order its clerk to prepare an amended abstract of judgment and send it to the California Department of Corrections. The amended abstract of judgment shall state any fines, fees, penalty assessments, restitution, and restitution fines the court imposed as part of the judgment.

Woods, J.

We concur: Johnson, Acting P.J.
Neal, J.

DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Johnson, J.

[illegible]

The judgment is reversed.

Woods, J.

We concur: Johnson, Acting P.J.
Neal, J.

B120113 People (Not for Publication)
v.
Purdue

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

B122472 People
v.
Briley

(Not for Publication)

The judgment (order revoking probation) is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B118862 Becker (Not for Publication)
v.
Lee

The order is affirmed. Respondents are entitled to costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B124487 Stefan and Bostanian (Not for Publication)
v.
California Fair Plan Association

The judgment is affirmed. The parties are to bear their own costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

B122772 Dennis P. (Not for Publication)
v.
Los Angeles County, DCFS

The order is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B119129 Cerritos Valley Bank (Not for Publication)
v.
Ghobrial

The order is affirmed. Respondents are entitled to costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B122531 Alonzo (Not for Publication)
v.
Block et al.

The judgment is affirmed. Respondents are awarded costs on appeal.

Woods, J.

We concur: Lillie, P.J.
Johnson, J.

DIVISION SEVEN (Continued)

B118503 Padilla et al. (Not for Publication)
 v.
 City of Pico Rivera

The judgment is affirmed. Respondents shall recover their costs on appeal.

Neal, J.

We concur: Johnson, Acting P.J.
 Woods, J.

B113500 Counts Group Home, Inc. (Not for Publication)
 v.
 Dept. of Social Services

The judgment is affirmed. Respondent shall recover costs on appeal.

Neal, J.

We concur: Lillie, P.J.
 Woods, J.

B123330 State Compensation Insurance Fund (Not for Publication)
 v.
 Workers Compensation Appeals Board

The order denying reconsideration is annulled and the matter is remanded for further proceedings consistent with this decision.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

B127643 BJ Family Food Center, Inc. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Zamani, r.p.i.)

A peremptory writ of mandate will issue directing the trial court to vacate its order denying petitioner's motion to disqualify Judge Freeman, and enter a new order granting that motion. Petitioner will recover its costs on appeal.

Neal, J.

We concur: Johnson, Acting P.J.
 Woods, J.